

REMARKS

The examiner in the Office action requires restriction under 35 U.S.C. § 121 of the claims to Group I, claims 1-10, drawn to a guidewire; and Group II, claims 11-19, drawn to a method of making an elongate medical device. Applicant respectfully traverses this requirement for the following reasons.


Applicant respectfully points out that 35 U.S.C. § 121 supports a restriction for "independent *and* distinct" inventions contained in a single application. Here, both Group I and Group II claims are directed to a medical device. The preamble for independent claim 1 states that the apparatus claimed is "an elongated device for medical procedures," and the preamble for independent claim 11 states that the method is for manufacturing "a medical device." Since "an elongated device for medical procedures" is "a medical device," the two groups are not independent. Further, the method claimed in claim 11 cannot be used to make alloys for electrical applications since an alloy for electrical applications is not a medical device. Thus, the Group I and II claims are not independent. Based on the foregoing, applicant respectfully requests that the restriction be withdrawn.

If the examiner maintains the restriction requirement, applicant provisionally elects to prosecute Group I, claims 1-10.

The examiner is invited to contact the undersigned if there are any questions. The Commissioner is authorized to charge any deficiency in connection with this paper to deposit account no. 06-2425.

Respectfully submitted,

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